

**Amendment and Response Under 37 C.F.R. 1.116**

Applicant: John P. Rebhorn et al.

Serial No.: 09/781,581

Filed: February 12, 2001

Docket No.: 5487USA

**Title: PORTABLE, STACKED CONTAINER AND METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS, ESPECIALLY CEREAL AND MILK**

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**IN THE CLAIMS**

Please cancel claim 42.

Please amend claims 1, 15, 20, 22, 25, and 39 as follows:

1. (Currently Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:

a bottom,

a first compartment side wall extending from the bottom and defining a first compartment internal storage region,

an annular rim extending radially outwardly from a top of the first compartment side wall;

a second, inner compartment including:

a base,

a second compartment side wall extending from the base and defining a second compartment internal storage region,

an annular lip extending radially outwardly from a top of the second compartment side wall the annular lip being linear in transverse cross-section,

a pour opening formed through the lip, offset from the second compartment internal storage region; and

a cover secured to the lip and sealing the pour opening;

wherein upon final assembly, the second compartment nests within the first compartment such that the lip abuts the rim, the base is spaced from the bottom, and a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

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2. (Original) The container of claim 1, wherein the first compartment is configured to contain a liquid consumable product and the second compartment is configured to contain a dry consumable product.
3. (Original) The container of claim 2, wherein the first consumable product is milk and the second consumable product is cereal.
4. (Original) The container of claim 1, wherein the lip rests on top of the rim.
5. (Original) The container of claim 1, wherein the lip is affixed to the rim.
6. (Original) The container of claim 1, wherein the first compartment internal storage region is completely sealed.
7. (Original) The container of claim 1, wherein an upper plane defined by the lip is substantially parallel with a lower plane defined by the bottom.
8. (Original) The container of claim 1, wherein a diameter of the bottom of the first compartment is approximately 2.2 inches.
9. (Original) The container of claim 1, wherein the annular lip has a minimum radial width of approximately 0.125 inch.
10. (Original) The container of claim 1, wherein the pour opening is elongated, having a major diameter of approximately 0.25 inch.

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11. (Original) The container of claim 1, wherein the annular lip forms a radial extension having an increased radial width relative to a remainder of the lip, the pour opening being formed in the radial extension.

12. (Original) The container of claim 1, wherein the first compartment side wall forms a spout defining the fluid passageway.

13. (Original) The container of claim 1, wherein the first container side wall is formed of a flexible material such that the first container side wall can be squeezed to provide a temporary increased flow rate through the pour opening.

14. (Original) The container of claim 1, wherein the second compartment side wall forms a recess opposite the pour opening.

15. (Currently Amended) A packaged good article comprising:

a portable, single-use container comprising:

a first, outer compartment including:

a bottom,

a first compartment side wall extending from the bottom and defining a first compartment internal storage region,

an annular rim extending radially outwardly from a top of the first compartment side wall,

a second, inner compartment including:

a base,

a second compartment side wall extending from the base and defining a second compartment internal storage region,

an annular lip including a portion extending radially outwardly from a top of the second compartment side wall,

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a pour opening formed through the lip, offset from the second compartment internal storage region,

a cover secured to the lip and sealing the pour opening;

a first consumable product sealed within the first compartment; and

a second consumable product contained within the second compartment;

wherein upon final assembly, the second compartment nests within the first compartment such that the radially extending portion of the lip abuts the rim and a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of a second compartment side wall, the fluid passageway allowing passage of the first consumable product from the first compartment internal storage region to the pour opening.

16. (Original) The packaged good article of claim 15, wherein the second consumable product is a dry consumable product.

17. (Original) The packaged good article of claim 16, wherein the dry consumable product is cereal.

18. (Original) The packaged good article of claim 15, wherein the first consumable product is a liquid consumable product.

19. (Original) The packaged good article of claim 18, wherein the liquid consumable product is milk.

20. (Currently Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:

a bottom,

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a first compartment side wall extending from the bottom and defining a first compartment internal storage region,  
an annular rim formed at a top of the first compartment side wall;  
a second, inner compartment including:  
a base ~~defining a non-circle perimeter~~,  
a second compartment side wall extending from the base and defining a second compartment internal storage region, at least a portion of the second compartment side wall defining a non-circle perimeter,  
an annular lip formed at a top of the second compartment side wall,  
a pour opening formed through the lip, offset from the second compartment internal storage region; and  
a cover secured to the lip and sealing the pour opening;  
wherein upon final assembly, the second compartment nests within the first compartment, and further wherein a fluid passageway is defined by an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

21. (Previously Presented) The container of claim 20, wherein the lip is ultrasonically welded to the rim.

22. (Currently Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:  
a bottom,  
a first compartment side wall extending from the bottom and defining a first compartment internal storage region, the first compartment side wall including a spout,

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an annular rim formed at a top of the first compartment side wall;  
a second, inner compartment including:  
a base,  
a second compartment side wall extending from the base and defining a second compartment internal storage region,  
an annular lip formed at a top of the second compartment side wall,  
a pour opening formed through the lip, offset from the second compartment internal storage region; and  
a cover secured to the lip and sealing the pour opening;  
wherein upon assembly of the first and second compartments, the second compartment nests within the first compartment such that the lip abuts the rim, the base is spaced from the bottom and the first compartment internal storage region is sealed except at the pour opening, and further wherein a fluid passageway is defined by an interior surface of the spout of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

23. (Original) The container of claim 22, wherein the cover is sealed to the lip, encompassing the pour opening, and further wherein the lip is sealed to the rim.

24. (Previously Presented) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:  
a bottom,  
a first compartment side wall extending from the bottom and defining a first compartment internal storage region,  
an annular rim formed at a top of the first compartment side wall;  
a second, inner compartment including:

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a base,  
a second compartment side wall extending from the base and defining a second compartment internal storage region,  
an annular lip formed at a top of the second compartment side wall,  
a pour opening formed through the lip, offset from the second compartment internal storage region; and  
a cover secured to the lip and sealing the pour opening;  
wherein upon final assembly, the second compartment nests within the first compartment and the lip is permanently affixed to the rim, and further wherein lip abuts the rim, the base is spaced from the bottom, and a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening, and further wherein an upper plane defined by the lip is substantially parallel with a lower plane defined by the bottom.

25. (Currently Amended) A method of manufacturing a portable, single-use container separately containing two consumable products, the method comprising:

providing a first, outer compartment including a bottom, a first compartment side wall and an annular rim;  
providing a second, inner compartment including a base, a second compartment side wall and an annular lip, the lip forming a pour opening;  
dispensing a first consumable product into the first compartment;  
dispensing a second consumable product into the second compartment including dispensing a dry consumable product into the second compartment;  
placing the second compartment into the first compartment such that lip rests on top of the rim and the first compartment sidewall and the second compartment collectively have bilateral symmetry; and

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sealing the lip to the rim;

wherein a fluid passageway is established between an exterior surface of the second compartment side wall and an interior surface of the first compartment side wall for allowing passage of the first consumable product from the first compartment to the pour opening.

26. (Original) The method of claim 25, further comprising the steps of:

- a) covering the second compartment, including the pour opening, after dispensing the second consumable product;
- b) sanitizing an exterior of the second compartment;
- c) sanitizing the first compartment; and
- d) dispensing the first consumable product into the first compartment and placing the second compartment into the first compartment after sanitizing the first compartment;

wherein upon final assembly, the first consumable product is contained within a sanitized environment.

27. (Original) The method of claim 25, further comprising the steps of:

- a) sanitizing the first compartment;
- b) sanitizing the second compartment;
- c) dispensing the first consumable product into the first compartment;
- d) sealing the pour opening before placing the second compartment into the first compartment; and
- e) dispensing the second consumable product into the second compartment after placing the second compartment into the first compartment and sealing the lip to the rim;

wherein upon final assembly, the first consumable product is contained within a sanitized environment.



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28. (Original) The method of claim 25, wherein dispensing a first consumable product includes dispensing a liquid consumable product into the first compartment.

29. (Original) The method of claim 28, wherein the liquid consumable product is milk.

30. (Cancelled)

31. (Previously Presented) The method of claim 25, wherein the dry consumable product is cereal.

32. (Original) The method of claim 25, wherein securing the lip to the rim includes ultrasonically welding the lip to the rim.

33. (Original) The method of claim 25, further comprising:

providing a cover; and

sealing the cover to the second compartment lip, the cover being configured such that with at least partial removal of the cover from the second compartment, the pour opening and at least a portion of the second compartment are exposed to allow dispensing of the first and second consumable products, respectively.

34. (Cancelled)

35. (Cancelled)

36. (Cancelled)

37. (Cancelled)

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38. (Cancelled)

39. (Currently Amended) The container of claim 1, wherein the bottom of the first compartment defines a non-circle perimeter, second compartment sidewall has a generally circular transverse cross-section except for a portion of the second compartment side wall that inwardly deviates from the otherwise circular transverse cross-section of the second compartment side wall.

40. (Previously Presented) The container of claim 1, wherein the side walls each form an increased diameter shoulder proximate the respective tops, the shoulders corresponding in height to facilitate assembly of the compartments.

41. (Previously Presented) The container of claim 1, wherein upon final assembly, the second compartment side wall and the base are the only portions of the second compartment extending below the rim of the first compartment.

42. (Cancelled)

43. (Previously Presented) The container of claim 5, wherein the lip is not snap-fitted to the rim.